

RESPONSE AND REQUEST FOR RECONSIDERATION

Please enter the amendments as shown. The numerical ranges inserted in claims 1 and 11 have support in claim 14 and the specification. Claim 9 has been amended to specify the R group in the alkenyl succinic acid, which has support in the specification page 12, line 21.

Applicants have amended claims 1, 11 and 9. Thus, claims 1-22 are pending in the application. The current status of all the claims is shown in the claim amendment section of this amendment.

Claims 1, 2, 10-11 and 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 11, 13, 15, and 16 of co-pending Application No. 10/201,008. The Examiner's provisional obviousness-type double patenting rejection is obviated because Applicants have inserted the limitations found in claim 14 into claims 1 and 11. Accordingly, the provisional rejection should be withdrawn.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claim 9 has been amended to clearly identify the R group in the alkenyl succinic acid formula. Accordingly, this rejection should be withdrawn.

Claims 1 and 3-9 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 320183. Applicants respectfully traverse.

EP 320183 teaches a water-in-oil emulsion fuel comprising an immiscible organic fuel and an emulsifier, wherein the emulsifier may be a reaction product of a polypropyl- or polybutylphenol, formaldehyde and a polyamine.

The Examiner's 102(b) rejection is obviated as Applicants have inserted the limitations found in claim 14 into claim 1. EP 320183 does not disclose, teach or suggest the specific ratio range of the alkylphenol, aldehyde and amine found in Applicants claim 14 to produce the desired emulsifier. Accordingly, this rejection should be withdrawn.

Claims 1-3, 7,8,10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lissant (US 3,490,237).

The Examiner's 103(a) rejection is obviated as Applicants have inserted the limitations found in claim 14 into claim 1. Lissant fails to teach or suggest the claimed ratio of alkylphenol:aldehyde:amine found in Applicants claim 14 to produce the desired emulsifier. Accordingly, this rejection should be withdrawn.

Claims 2, 11, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 320183.

The Examiner's 103(a) rejection is obviated as Applicants have inserted the limitations found in claim 14 into claims 1 and 11. EP 320183 fails to teach or suggest the claimed ratio of alkylphenol:aldehyde:amine found in Applicants claim 14 to produce the desired emulsifier. Accordingly, this rejection should be withdrawn.

Claims 14, 17, and 19-22 are objected to as being dependant upon a rejected base claim. The Examiner's objection is obviated as the independent claims have been amended adding allowable material. Accordingly, this objection should be withdrawn.

For the foregoing reasons it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore favorable reconsideration is respectfully requested. If for any reason the Examiner believes a telephone conference would expedite the prosecution of this application, it is respectfully requested that she call Applicants' attorney at (440) 347-5072.

Any required fees or any deficiency or overpayment in fees should be charged or credited to The Lubrizol Corporation Deposit Account No. 12-2275.

Respectfully submitted,

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